

its Grade B signal coverage area; (3) the presence of a clear showing of a particularized need by the station requesting the change of market designation; and (4) an indication of benefit to the public from the proposed change. Each of these factors helps the Commission to evaluate individual market conditions consistent "with the underlying competitive purpose of the market hyphenation rule to delineate areas where stations can and do, both actually and logically, compete."

3. Based on the facts presented, the Commission believes that a sufficient case for redesignation of the subject market has been set forth so that this proposal should be tested through the rulemaking process, including the comments of interested parties. It appears from the information before the Commission that the television stations licensed to Raleigh, Durham and Goldsboro, North Carolina do compete throughout much of the proposed combined market area, and that sufficient evidence has been presented tending to demonstrate commonality between the proposed communities to be added to the market designation and the market as a whole that "hyphenation" of the market should be proposed. Moreover, the petitioners' proposal appears to be consistent with the Commission's policies regarding redesignation of a hyphenated television market. Accordingly, comment is requested on the proposed addition of Fayetteville to the Raleigh-Durham-Goldsboro, North Carolina television market.

Initial Regulatory Flexibility Analysis

4. The Commission certifies that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because if the proposed rule amendment is promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by section 601(3) of the Regulatory Flexibility Act. A few cable television system operators will be affected by the proposed rule amendment. The Secretary shall send a copy of this *Notice of Proposed Rulemaking*, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. section 601 *et seq.* (1981).

Ex Parte

5. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided

in the Commission's Rules. See generally 47 CFR §§ 1.1202, 1.1203 and 1.1206(a).

Comment Dates

6. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before October 20, 1995, and reply comments on or before November 6, 1995. All relevant and timely comments will be considered before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

7. Accordingly, this action is taken by the Chief, Cable Services Bureau, pursuant to authority delegated by § 0.321 of the Commission's rules.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William H. Johnson,

Deputy Chief, Cable Services Bureau.

[FR Doc. 95-21491 Filed 8-29-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 95

[WT Docket No. 95-102; FCC 95-261]

To Establish a Very Short Distance, Unlicensed, Two-Way Voice Radio Service in the Ultra High Frequency (UHF) Portion of the Radio Spectrum

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed rules to establish a new personal radio service that would permit individuals a very short distance, unlicensed, two-way voice radio service in the Ultra High Frequency (UHF) portion of the radio spectrum. This action is in response to a petition for rule making from the Radio Shack Division of Tandy Corporation (Tandy). Allowing uses of the radio spectrum in

this manner would meet a burgeoning public demand for an affordable and convenient means of direct, short-range, two-way voice communication among small groups of persons.

DATES: Comments must be submitted on or before October 2, 1995 and reply comments must be filed on or before October 16, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

William Cross at (202) 418-0680, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, WT Docket No. 95-102, FCC 95-261, adopted June 22, 1995, and released August 2, 1995. The proposed rules are at the end of this document. The full text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street, N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Initial Regulatory Flexibility Analysis

Reason for Action

The Commission is proposing to amend Part 95 of its rules to establish a new Family Radio Service within the CB Radio Service. This change will provide a new and innovative communication service and promote more efficient use of the radio spectrum.

Objectives

The proposed rules will encourage rapid deployment and growth of inexpensive low power communications equipment for use by groups in which members need to communicate over short distances.

Legal Basis

The proposed action is authorized under Sections 4(i), 303(b), 303(r), and 307(e) of the Communications Act, 47 U.S.C. §§ 154(i), 303(b), 303(r), and 307(e).

Report, Recordkeeping and Other Compliance Requirements

None.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules

None.

Description, Potential Impact, and Small Entities Involved

The proposed rule change would benefit individuals by allowing them to make use of new services, and procedures of personal communications equipment. Most users are expected to be members of groups such as families that desire to communicate by radio over very short distances.

Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives

None.

List of Subjects in 47 CFR Part 95

Radio.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Part 95 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

Part 95—Personal Radio Services

1. The authority citation for Part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Subpart B, Sections 95.191 through 95.194, is added to Part 95 to read as follows:

Subpart B—Family Radio Service (FRS), General Provisions

Sec.

95.191 (FRS Rule 1) Eligibility and responsibility.

95.192 (FRS Rule 2) Authorized locations.

95.193 (FRS Rule 3) Types of communications.

95.194 (FRS Rule 4) FRS units.

Subpart B—Family Radio Service (FRS)

General Provisions

§ 95.191 (FRS Rule 1) Eligibility and responsibility.

(a) Unless you are a representative of a foreign government, you are authorized by this rule to operate an FCC certified FRS unit in accordance with the rules in this subpart. No license will be issued.

(b) You are responsible for all communications that you make with the FRS unit. You must share each channel with other users. No channel is available for the private or exclusive use of any entity.

§ 95.192 (FRS Rule 2) Authorized locations.

(a) Provided that you comply with these rules, you are authorized to operate an FRS unit:

(1) Within or over any area of the world where radio services are regulated by the FCC; (this area includes the fifty United States and the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands (50 islets and cays), American Samoa (seven islands), the Commonwealth of Northern Mariana Islands, and Guam Island) or

(2) Within or over any other area of the world, except within or over the territorial limits of areas where radio services are regulated by an agency of the United States other than the FCC or any foreign government (you are subject to its rules); or

(3) Aboard any vessel aircraft registered in the United States, with the permission of the captain, that is within or over any area of the world where radio services are regulated by the FCC or upon or over international waters; or

(4) Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company that is within or over any area of the world where radio services are regulated by the FCC or upon or over international waters.

(5) You must operate the FRS unit only accordingly to any applicable treaty to which the United States is a party. The FCC will make public notice of any such conditions.

(b) Your use of an FRS unit must not cause harmful interference to a FCC monitoring facility. Doing so could result in imposition of restrictions upon the operation of the FRS unit within 0.8 km (0.5 mile) of the facility by its Engineer-in-Charge. (Geographical coordinates of the facilities that require protection are listed in § 0.121(c) of this chapter.)

(c) The FCC may impose additional restrictions on a FRS station if the station is located at a point within the National Radio Quiet Zone (an area within the States of Maryland, Virginia and West Virginia). The Zone is the area bounded by:

- (1) 39°15' N. on the North;
- (2) 78°30' W. on the East;
- (3) 37°30' N. on the South; and
- (4) 80°30' W. on the West.

§ 95.193 (FRS Rule 3) Types of communications.

(a) You may use an FRS unit to conduct two-way voice communications with another person. You may use the FRS unit to transmit one-way communications only to establish communications with another person, send an emergency message, provide traveler assistance, make a voice page, or to conduct a brief test.

(b) The FRS unit may transmit tones to make contact or to continue

communications with a particular FRS unit. If the tone is audible (more than 300 Hertz), it must last no longer than 15 seconds at one time. If the tone is subaudible (300 Hertz or less), it may be transmitted continuously only while you are talking.

(c) You must not use an FRS unit in connection with any activity which is against federal, state or local law.

(d) You must, at all times and on all channels, give priority to emergency communication messages concerning the immediate safety of life or the immediate protection of property.

(e) No FRS unit may be interconnected to the public switched telephone network.

§ 95.194 (FRS Rule 4) FRS units.

(a) You may only use an FCC certified FRS unit. (You can identify an FCC certified FRS unit by the label placed on it by the manufacturer.)

(b) You must not make, or have made, any internal modification to an FRS unit. Any internal modification cancels the FCC certification and voids your authority to operate the unit in the FRS.

(c) You may not attach any antenna, power amplifier, or other apparatus to an FRS unit that has not been FCC certified as part of that FRS unit. There are no exceptions to this rule and attaching any such apparatus to a FRS unit cancels the FCC certification and voids everyone's authority to operate the unit in the FRS.

3. Section 95.401 is revised to read as follows:

§ 95.401 (CB Rule 1) What are the Citizens Band Radio Services?

The Citizens Band Radio Services are:

(a) The Citizens Band (CB) Radio Service—a private, two-way, short-distance voice communications service for personal or business activities of the general public. The CB Radio Service may also be used for voice paging.

(b) The Family Radio Service (FRS)—a private, two-way, very short-distance voice communications service for facilitating family and group activities. The rules for this service are contained in subpart B of this part.

4. Section 95.601 is revised to read as follows:

§ 95.601 Basis and purpose.

These rules provide the technical standards to which each transmitter (apparatus that converts electrical energy received from a source into RF (radio frequency) energy capable of being radiated) used or intended to be used in a station authorized in any of the Personal Radio Services must comply. They also provide requirements

for obtaining type acceptance of such transmitters. The Personal Radio Services are the GMRS (General Mobile Radio Service), the Family Radio Service (FRS), the R/C (Radio Control Radio Service), and the CB (Citizens Band Radio Service). For operating rules, see subparts A through D of this part 95.

5. Section 95.603 is amended by revising the heading and adding paragraph (d) to read as follows:

§ 95.603 Type acceptance or certification required.

* * * * *

(d) Each FRS unit (a transmitter that operates or is intended to operate in the FRS) must be certified for use in the FRS in accordance with subpart J or part 2 of this chapter.

6. Section 95.605 is revised to read as follows:

§ 95.605 Type acceptance and certification procedures.

Any entity may request type acceptance or certification for its transmitter in one of the Personal Radio Services, following the procedures in part 2 of this chapter.

7. Sections 95.627 through 95.669 are redesignated as §§ 95.629 through

95.671 and a new § 95.627 is added to read as follows:

§ 95.627 FRS unit channel frequencies.

(a) The FRS unit channel frequencies are:

Channel No.	(MHz)
1	462.5625
2	462.5875
3	462.6125
4	462.6375
5	462.6625
6	462.6875
7	462.7125
8	467.5625
9	467.5875
10	467.6125
11	467.6375
12	467.6625
13	467.6875
14	467.7125

(b) Each FRS unit must be maintained within a frequency tolerance of 0.0005%.

8. Newly designated 95.629 is amended by revising paragraph (b), redesignating paragraphs (d) and (e) as paragraphs (e) and (f) respectively, and adding a new paragraph (d) to read as follows:

§ 95.629 Emission types.

* * * * *

(b) An R/C transmitter may transmit any appropriate non-voice emission which meets the emission limitations of § 95.633.

* * * * *

(d) An FRS unit may transmit only emission type F3E. A non-voice emission is limited to selective calling or tone-operated squelch tones to establish or continue voice communications.

* * * * *

9. Newly designated § 95.631 is amended by adding a new paragraph (c) to read as follows:

§ 95.631 Emission bandwidth.

* * * * *

(c) The authorized bandwidth for emission type F3E transmitted by a FRS unit is 12.5 kHz.

10. Newly designated § 95.633 is amended by revising paragraph (b) introductory text and the table immediately following it to read as follows:

§ 95.633 Unwanted radiation.

* * * * *

(b) The power of each unwanted emission shall be less than TP as specified in the applicable paragraph:

Transmitter	Emission type	Applicable paragraphs
GMRS	A1D, A3E, F1D, G1D, F3E, G3E with filtering	(1), (3), (7)
	A1D, A3E, F1D, G1D, F3E, G3E without filtering	(5), (6), (7)
FRS	H1D, J1D, R1D, H3E, J3E, R3E	(2), (4), (7)
	F3E with filtering	(1), (3), (7)

Note: Filtering refers to the requirement in § 95.635(b)

R/C:		
27 MHz band	As specified in § 95.629(b)	(1), (3), (7)
72–76 MHz band	As specified in § 95.629(b)	(1), (3), (7)
CB		(10) (11), (12)
	A1D, A3E	(1), (3), (8), (9)
	H1D, J1D, R1D, H3E, J3E, R3E	(2), (4), (8), (9)
	A1D, A3E type accepted before September 10, 1976	(1) (3), (7)
	H1D, J1D, R1D, H3E, J3E, R3E type accepted before September 10, 1986	(2), (4), (7)

Note 1: * * *

Note 2: * * *

* * * * *

11. Newly designated § 95.635 is amended by revising paragraph (a) to read as follows:

§ 95.635 Modulation standards.

(a) A GMRS transmitter that transmits emission types F1D, G1D, or G3E must not exceed a peak frequency deviation of plus or minus 5 kHz. An FRS unit or a GMRS transmitter that transmits emission type F3E must not exceed a

peak frequency deviation of plus or minus 5 kHz.

* * * * *

12. Newly designated § 95.637 is amended by adding a new paragraph (d) to read as follows:

§ 95.637 Maximum transmitter power.

* * * * *

(d) No FRS unit, under any condition of modulation, shall exceed 0.500 W Carrier power (average TP during one unmodulated RF cycle) when transmitting emission type F3E.

13. Newly designated § 95.645 is revised to read as follows:

§ 95.645 FRS unit and R/C transmitter antennas.

The antenna of each FRS unit, and the antenna of each R/C station transmitting in the 72–76 MHz band, must be an integral part of the transmitter. The antenna must have no gain (as compared to a half-wave dipole) and must be vertically polarized.

14. Newly designated § 95.647 is revised to read as follows:

§ 95.647 Power capability.

No CB or R/C station transmitter or FRS unit shall incorporate provisions for increasing its transmitter power to any level in excess of the limit specified in § 95.637.

15. Newly designated § 95.649 is revised to read as follows:

§ 95.649 Crystal control required.

All transmitters used in the Personal Radio Services must be crystal controlled, except an R/C station that transmits in the 26–27 MHz frequency band, and a FRS unit.

16. Appendix 1 to subpart E is amended by adding the definition for “FRS”, in alphabetical order, to read as follows:

Appendix 1 to Subpart E—Glossary of Terms

* * * * *

FRS. Family Radio Service.

* * * * *

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